

REMARKS/ARGUMENTS

Favorable consideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 18-41 are pending, with Claims 1-17 canceled and Claims 18-41 added by the present amendment.

In the Official Action, Claims 1, 2, 4, 6-8, 11-13, 15 and 17 were rejected under 35 U.S.C. § 102(e) as being anticipated by Murasawa et al. (U.S. Patent No. 6,760,594, hereinafter "Murasawa"); in Claims 3, 5, 9-10, 14 and 16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Murasawa in view of Leppisaari et al. (U.S. Patent No. 6,532,227, hereinafter "Leppisaari").

New Claims 18-39 correspond to original Claims 1-17, albeit rewritten to more clearly describe and distinctly claim Applicants' invention. New independent Claims 18, 28 and 38, and all claims dependent therefrom, are supported by Applicants' originally filed Figures 3 and 2. New independent Claims 23, 33 and 39, and all claims dependent therefrom, are supported by Applicants' originally filed Figures 7 and 6. No new matter is added.

Briefly recapitulating, new Claim 18 is directed to call admission control method in a communications system configured to support calls of a plurality of services having mutually different degrees of priority. The method includes a) receiving a call having a service type; and b) comparing a measured resource use condition with a first and a second admission threshold value so as to obtain first and second comparison results. The method also includes c) selecting one of said first and second comparison result on the basis the service type; and d) admitting or not admitting the call on the basis of the selected comparison result.

New Claim 23 is directed to a call admission control method in a communications system configured to support calls of a plurality of services having mutually different degrees of priority. The method includes a) receiving a call having a service type; and b) selecting an

admission threshold value from a set of at least two threshold values on the basis the service type. The method also includes c) comparing a measured resource use condition with the selected admission threshold value so as to obtain a comparison result; and d) admitting or not admitting the call on the basis of the comparison result.

Applicants' claimed call admittance methods allow for more judicious use of network resources.

Murasawa describes a method of connection of a priority call in a wireless communication system able to assign channels, make the full use of system resources and to thereby prevent failure of connection of an emergency call or other priority call. Murasawa sets a maximum threshold TH.III between a critical threshold TH.IV constituting an upper limit, in terms of hardware, on a number of calls able to be assigned in a wireless section, and a design threshold TH.II constituting an upper limit, in terms of software design.¹ The process of Murasawa is described relative to Figures 4 and 5.²

In Figure 4 of Murasawa, the method begins with Step S21: Receiving the request for a decision of assignment, the call connection decision unit 27 accesses the call discrimination value storage unit 26 and decides whether the related call is a basic call or soft hand-off call <1>. In Step S22, when the decision <1> is that the related call is a basic call (Yes), the call connection decision unit 27 determines the relative magnitude of the values (m, Th.I) in the basic call number storage unit 24 and the basic call threshold value storage unit 21 <2>. Further, Step S22 determines the relative magnitude of the values (m+n, Th.II) between the basic call number storage unit 24 plus soft hand-off call number storage unit 25 and the design threshold value storage unit 22 <3>. In Step S23, when the results of the decisions <2> and <3> are "No", the call connection decision unit 27 instructs the call processing unit 28 to assign a channel and adds "1" to the value of the basic call number storage unit 24

¹ Murasawa Abstract.

² Murasawa, column 10, line 1 through column 12, line 2.

($m=m+1$). The call processing unit 28 returns to the base station controller 8 a response that it is assigning a channel and the process ends. In Step S24, when the result of the decision <2> (or <3>) is "Yes", the call connection decision unit 27 determines whether the related call is a priority call or ordinary call <4>. In Step S25, when the result of the decision <4> is that the related call is an ordinary call (No), the call connection decision unit 27 instructs the call processing unit 28 that it cannot assign a channel. The call processing unit 28 returns to the base station controller 8 a response that it is not assigning a channel and the process ends. In Step S26, when the result of the decision <4> is that the related call is a priority call (Yes), the call connection decision unit 27 determines the relative magnitude of the values ($m+n$, Th.III) between the basic call number storage unit 24 plus soft hand-off number storage unit 25 and the maximum threshold value storage unit 23 <5>. In Step S27, when the decision <5> is that $m+n$ exceeds Th.III (No), the call connection decision unit 27 instructs the call processing unit 28 not to assign a channel. In Step S28, when the call connection decision unit 27 determines that channel assignment is possible, that is, when it determines that the total number of calls ($m+n$) is smaller than the maximum threshold Th.III, it notifies this fact to the call processing unit 28. The call processing unit 28 returns to the base station controller 8 a response that it is assigning a channel to the related terminal, that is, the terminal standing by the longest among the standing by terminals and the process end. In Step S29, when the decision <5> is that $m+n$ is smaller, the call connection decision unit 27 instructs the call processing unit 28 to assign a channel and adds "1" to m ($m=m+1$) in the basic call number storage unit 24. In Step S30, when the call processing unit 28 returns to the base station controller 8 a response that it is assigning a channel to the related terminal. In Step S31, the call connection decision unit 27 instructs the breathing unit 29 controlling the power transmitted to the terminal side to apply "breathing". Here, the second embodiment of the present invention (breathing) becomes effective and the process ends.

In Step S32 (corresponding to step S22), when the decision <1> at step S21 is that the related call is a soft hand-off call (No), the unit determines the relative magnitude of the values ($m+n$, Th.II) between the basic call number storage unit 24 plus soft hand-off number storage unit 25 and the design threshold value storage unit 22 <6>. In Step S33 (corresponding to step S23), when the result of the decision <6> is No, the call connection decision unit 27 instructs the call processing unit 28 to assign a channel and adds "1" to the value ($n=n+1$) in the soft hand-off number storage unit 25. The call processing unit 28 returns to the base station controller 8 a response that it is assigning a channel and the process ends. In Step S34 (corresponding to step S24), when the result of the decision <6> is Yes, the call connection decision unit 27 determines whether the related call is a priority call or ordinary call <7>. In Step S35 (same as step S25), when the result of the decision <7> is that the related call is an ordinary call (No), the call connection decision unit 27 instructs the call processing unit 28 that it cannot assign a channel. The call processing unit 28 returns to the base station controller 8 a response that it is not assigning a channel. In Step S36 (corresponding to step S26), when the result of the decision <7> is that the related call is a priority call (Yes), the call connection decision unit 27 determines the relative magnitude of the values ($m+n$, Th.III) between the basic call number storage unit 24 plus soft hand-off number storage unit 25 and the maximum threshold value storage unit 23 <8>. In Step S37 (same as step S27), when the decision <8> is that $m+n$ exceeds Th.III (No), the call connection decision unit 27 instructs the call processing unit 28 not to assign a channel. In Step S38 (same as step S28), when the call connection decision unit 27 determines that channel assignment is possible, that is, when it determines that the total number of calls ($m+n$) is smaller than the maximum threshold Th.III, it notifies this fact to the call processing unit 28. The call processing unit 28 returns to the base station controller 8 a response that it is assigning a channel to the related terminal, that is, the terminal standing by the longest

among the standing by terminals and the process ends. In Step S39 (corresponding to step 529), when the decision <8> is that $m+n$ is smaller, the call connection decision unit 27 instructs the call processing unit 28 to assign a channel and adds "1" to n ($n=n+1$) in the soft hand-off call number storage unit 25. Step S40: The call processing unit 28 returns to the base station controller 8 a response that it is assigning a channel to the related terminal. In Step S41, the call connection decision unit 27 instructs the breathing unit 29 controlling the power transmitted to the terminal side to apply "breathing" and the process ends.

However, Murasawa fails to disclose or suggest "comparing a measured resource use condition with a first and a second admission threshold value so as to obtain first and second comparison results" and "selecting a comparison result from said first and second comparison result on the basis the service type" as recited in Applicants' Claim 18. Murasawa also fails to disclose or suggest "selecting an admission threshold value from a set of at least two threshold values on the basis the service type" and "comparing a measured resource use condition with the selected admission threshold value so as to obtain a comparison result" as recited in Applicants' Claim 23. That is, the method of Murasawa first distinguishes between types of calls in Step S21 when determining whether an incoming call is a basic call or a soft handoff call. Murasawa next distinguishes between types of calls in Step S26 (and the analogous Step S34) when determining whether an incoming call is a priority or non-priority call. However, in both of these situations, Murasawa does not use these determinations to select "an admission threshold value from a set of at least two threshold values on the basis [a] service type" as recited in Applicants' new claims.

MPEP § 2131 notes that "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "When a claim covers several structures or compositions, either

generically or as alternatives, the claim is deemed anticipated if any of the structures or compositions within the scope of the claim is known in the prior art.” *Brown v. 3M*, 265 F.3d 1349, 1351, 60 USPQ2d 1375, 1376 (Fed. Cir. 2001) (claim to a system for setting a computer clock to an offset time to address the Year 2000 (Y2K) problem, applicable to records with year date data in “at least one of two-digit, three-digit, or four-digit” representations, was held anticipated by a system that offsets year dates in only two-digit formats). See also MPEP § 2131.02. “The identical invention must be shown in as complete detail as is contained in the ... claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Because Murasawa does not disclose or suggest all the features recited in Applicants’ new independent claims, Murasawa does not anticipate the invention recited in Applicants’ new independent claims, and all claims depending therefrom.

Applicants have also considered Leppisaari and submit Leppisaari does not cure the deficiencies of Murasawa. As none of the cited prior art, individually or in combination, disclose or suggest all the elements of Applicants’ independent claims, Applicants submit the inventions defined by Applicants’ independent claims, and all claims depending therefrom, are not rendered obvious by the asserted references for at least the reasons stated above.³

³ MPEP § 2142 “...the prior art reference (or references when combined) must teach or suggest **all** the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).”

Accordingly, in view of the present amendment and in light of the previous discussion, Applicants respectfully submit that the present application is in condition for allowance and respectfully request an early and favorable action to that effect.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Bradley D. Lytle
Attorney of Record
Registration No. 40,073

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)
MM/MEM:aif

Michael E. Monaco
Registration No. 52,041

I:\ATTY\MM\AMENDMENT\226094\218810US.AM DUE 9-15-05.DOC